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State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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Executive Director

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State Engineer/Division Director

RECEIVED

JUN - 1 2004

WATER RIGHTS
SALT LAKE

May 26, 2004

Douglas Farnsworth
2130 South Shumway Lane
Moab, Utah 84532

Dear Doug:

Re: Storage of Water on South Mesa

It has recently come to my attention that you are again storing water on South Mesa in the reservoir that is located on Forest Service land. In the last 2-3 years I have visited on several occasions, with your son, Jim, about the necessity of filing Change Applications to add the right to store water in this reservoir and other small ponds on your ranch. Applications should be filed on your personal water right (05-83), on the water represented by shares in the Moab Irrigation Company under water right 05-2013, and a similar application on the winter water that is under contract with the Grand County Water Conservancy District under water right 05-1523. However, to date I have yet to receive such applications.

I have enclosed Temporary Change Applications, and Permanent Change Applications for your use. Temporary Change applications could be filed to accommodate storage during the remainder of this season, if the right-of-way problems with the Forest Service can be resolved. The Permanent Change Applications could be filed and, if approved, would establish the right to store water each year thereafter in the reservoirs. The same right-of-way issues must also be settled. If the Permanent Change Applications are approved, Proof would need to be filed at some time in the future, to finalize the changes.

Any storage of water without the State Engineer's approval is in violation of the law. Therefore, I would encourage you to pursue the filing of these applications, and resolution of the Forest Service issues. We would be happy to assist you, or discuss this matter in more detail with you, at your convenience. I hope to hear from you in the near future regarding this matter.

Sincerely,

Mark P. Page
Regional Engineer

Pc: Lee Sim – Division of Water Rights
Jerry D. Olds – State Engineer
Norman Johnson – Attorney General's Office

MPP/mjk